

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:04-CR-268

v.

HON. ROBERT HOLMES BELL

MARLON JOEL LEWIS,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (ECF No. 169). Based on a review of Defendant's motion, the original criminal file, and the Report of Eligibility prepared by the Probation Department, the Court has determined that the motion should be denied as follows:

Defendant was sentenced on April 25, 2005 on seven counts of an Indictment charging Conspiracy to Distribute More than 50 Grams of Cocaine Base; Distribution of an Unspecified Quantity of Cocaine Base; Distribution of More than 5 Grams of Cocaine Base; and Possession with Intent to Distribute More than 50 Grams of Cocaine Case. Defendant was sentenced as a career offender within the meaning of U.S.S.G. § 4B1.1(a). As such, defendant is ineligible for a reduction in sentence. Accordingly,

Defendant's Motion for Modification or Reduction of Sentence (ECF No. 169) is

**DENIED.**

Defendant's motion for appointment of counsel (ECF No. 178) is **DENIED as moot.**

Date: July 13, 2015

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE